

Message Text

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70

ACTION EUR-25

INFO OCT-01 ADP-00 SS-15 NSC-10 L-03 CIAE-00 INR-10

NSAE-00 RSC-01 EB-11 COME-00 DODE-00 PA-03 PRS-01

USIA-12 RSR-01 /093 W

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R 031810 Z APR 73

FM USMISSION BERLIN

TO SECSTATE WASHDC 1618

INFO AMEMBASSY BONN

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BERLIN 587

E. O. 11652: GDS

TAGS: PGOV, WB, UR

SUBJ: SOVIET FACILITIES WEST BERLIN: SLIGHT DELAY IN CONCLUSION
OF PROPERTY TRANSACTION

1. BELETSKIY AND GRISHCHENKO OF SOVIET EMBASSY EAST BERLIN REQUESTED MEETING WITH US POLAD APRIL 3 TO DISCUSS MINOR LEGAL COMPLICATIONS DELAYING FINAL CONCLUSION OF SOVIET CONSULATE GENERAL/TRADE OFFICE PROPERTY TRANSACTION. COMPLICATIONS STEM FROM THREE LEGAL QUESTIONS RAISED BY ONE OF THE THREE BERLIN JUDGES REVIEWING SENAT- SOVIET CONTRACT AND RELATED DOCUMENTS PRIOR TO ENTRY OF PROPERTY IN PROPERTY REGISTER. ONE OF THE THREE QUESTIONS -- RE US MILITARY CONTROL OF AM SANDWERDER PROPERTY -- HAS ALREADY BEEN RESOLVED BY FORMAL DISSOLUTION OF PROPERTY CUSTODIANSHIP AND NOTIFICATION TO JUDGE. OTHER QUESTIONS CONCERN: 1) EARLIER UNSUCCESSFUL SOVIET ATTEMPT TO SELL LIETZENBURGER STRASSE PROPERTY, AND 2) QUESTION OF WHETHER SOVIET ACCEPTANCE OF SENAT PROPERTY OFFER IS " UNCONDITIONAL." SENAT CHANCELLORY OFFICIAL (SCHROEDER) CONSIDERS JUDGE'S ACTION RATHER FRIVOLOUS AND IS SEEKING TO FIND PRAGMATIC ACCOMMODATION WHICH SOVIETS CAN ACCEPT. POLAD TOLD SOVIETS THAT GRISHCHENKO SHOULD STAY IN TOUCH WITH SCHROEDER, SINCE IT WAS HE RATHER THAN ALLIES WHO HAD TO DEAL WITH JUDGE.

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2. IN RESPONSE TO POLAD'68
AS EXTENDED.

(3) IF THE EXTENDED AGREEMENT HAS NOT ENTERED INTO
FORCE ON 1 OCTOBER 1973 THOSE CONTRACTING PARTIES WHICH
HAVE NOTIFIED THEIR ACCEPTANCE OF SUCH EXTENDED AGREE-
MENT MAY IMMEDIATELY AFTER THAT DATE CONSULT TOGETHER
TO CONSIDER WHAT ACTION THE SITUATION REQUIRES AND MAY,
BY MUTUAL CONSENT, DECIDE THAT IT SHALL ENTER INTO FORCE
AMONG THEMSELVES."

C. ARTICLE 63 - PARAGRAPH (1): THE SECOND SENTENCE
BEGINNING " IN ESTABLISHING SUCH CONDITIONS...", AND ALL
SUBSEQUENT SENTENCES IN THIS PARAGRAPH ARE DELETED.

D. ARTICLE 64 - UNCHANGED

E. ARTICLE 65 - PARAGRAPHS (1) AND (2): THE EXISTING
TEXTS ARE DELETED AND REPLACED BY:

"(1) ANY GOVERNMENT MAY, AT THE TIME OF THE NOTIFI-
CATION OF ITS ACCEPTANCE OF THE EXTENDED AGREEMENT OR
AT THE TIME OF DEPOSIT OF ITS INSTRUMENT OF ACCESSION,
OR AT ANY TIME THEREAFTER, BY NOTIFICATION TO THE
SECRETARY- GENERAL OF THE UNITED NATIONS, DECLARE THAT
THE EXTENDED AGREEMENT SHALL APPLY TO ANY OF THE TER-
RITORIES FOR THE INTERNATIONAL RELATIONS OF WHICH IT IS
RESPONSIBLE AND THE EXTENDED AGREEMENT SHALL APPLY TO
THE TERRITORIES NAMED THEREIN FROM THE DATE OF SUCH
NOTIFICATION.

(2) ANY CONTRACTING PARTY WHICH DESIRES TO EXER-
CISE ITS RIGHTS UNDER ARTICLE 4 IN RESPECT OF ANY
OF ITS DEPENDENT TERRITORIES, OR WHICH DESIRES TO
AUTHORIZE ONE OF ITS DEPENDENT TERRITORIES TO BECOME
PART OF A MEMBER GROUP FORMED UNDER ARTICLE 5 OR 6, MAY
DO SO BY MAKING A NOTIFICATION TO THAT EFFECT TO THE
SECRETARY- GENERAL OF THE UNITED NATIONS, EITHER AT THE
TIME OF THE NOTIFICATION OF ITS ACCEPTANCE OF THE EX-
TENDED AGREEMENT OR AT THE TIME OF THE DEPOSIT OF ITS
INSTRUMENT OF ACCESSION OR AT ANY LATER TIME."

F. ARTICLES 66-68 - UNCHANGED

G. ARTICLE 69 - THE EXISTING TITLE AND TEXTSRE
DELETED ANDITEPLACED BY:

" ARTICLE 69
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(MODIFIED)
DURATION AND TERMINATION
NEGOTIATION OF A NEW AGREEMENT

- (1) THE EXTENDED AGREEMENT, SUBJZTT TO THE PROVISIONS OF PARAGRAPH (2), SHALL REMAIN IN FORCE UNTIL 30 SEPTEMBER 197- OR UNTIL A NEW AGREEMENT HAS ENTERED INTO FORCE, WHICHEVER IS THE EARLIER.
- (2) THE COUNCIL MAY AT ANY TIME, BY VOTE OF A MAJORITY OF THE MEMBERS HAVING NOT LESS THAN A DISTRIBUTED TWO- THIRDS MAJORITY OF THE TOTAL VOTES, DECIDE TO TERMINATE THE AGREEMENT. SUCH TERMINATION SHALL TAKE EFFECT ON SUCH DATE AS THE COUNCIL SHALL DECIDE.
- (3) NOTWITHSTANDING TERMINATION OF THE AGREEMENT, THE COUNCIL SHALL REMAIN IN BEING FOR AS LONG AS NECESSARY TO CARRY OUT THE LIQUIDATION OF THE ORGANIZATION, SETTLEMENT OF ITS ACCOUNTS AND DISPOSAL OF ITS ASSETS AND SHALL HAVE DURING THAT PERIOD SUCH POWERS AND FUNCTIONS AS MAY BE NECESSARY FOR THOSE PURPOSES.
- ((4) THE COUNCIL MAY, BY UA VOTE OF A MAJORITY OF THE MEMBERS HAVING NOT LESS THAN A DISTRIBUTED

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*** Current Classification *** CONFIDENTIAL

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